REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, the title has been amended in response to the objection thereto. New dependent claim 46 has been added which depends from claim 21 and recites that the cellulose acetate has an acetic acid content in the range of 55.0 to 57.9%. Support for this claim can be found in the specification at least at page 7, lines 17-20 taken in connection with Tables 1 and 2 set forth at pages 76 and 77, respectively.

In the Official Action, claims 21, 25, 26, 31, 34, 35, 40 and 41 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,705,632 (*Shimoda et al*). Claims 22-24, 27-29, 32, 33, 36-38 and 42-44 stand rejected under 35 U.S.C. §103(a) as being obvious over *Shimoda et al*. Withdrawal of the above rejections is respectfully requested for at least the following reasons.

Claim 21 is directed to a cellulose acetate film comprising cellulose acetate, wherein the cellulose acetate has an acetic acid content in the range of 55.0 to 58.0%, and wherein the film is formed by a solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method.

Shimoda et al relates to a process for the preparation of a cellulose acetate film (col. 1, lines 5 and 6).

Shimoda et al does not disclose or suggest each feature recited in claim 21. For example, *Shimoda et al* does not disclose or suggest cellulose acetate that has an acetic acid content in the range of 55.0 to 58.0%, wherein the cellulose acetate film is formed by a

solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method, as recited in claim 21.

By comparison, *Shimoda et al* discloses that cellulose acetate having an average acetic acid content of not more than 58.0% can be dissolved in acetone without use of a cooling dissolution method (col. 3, lines 51-54). That is, in stark contrast with claim 21, *Shimoda et al* has no recognition or suggestion of a cellulose acetate having the claimed acetic acid content and wherein a film comprising the cellulose acetate is formed by a solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method.

Applicants submit that a cellulose acetate film having, for example, a relatively high birefringence can be formed by employing an acetic acid content in the range of 55.0 to 58.0% in combination with the solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method, as recited in claim 21. By comparison, as discussed above, *Shimoda et al* has no recognition or suggestion of the combined use of the claimed acetic acid content and solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method, as recited in claim 21.

For at least the above reasons, it is apparent that claim 21 is not anticipated by or rendered obvious over *Shimoda et al.*

Claim 31 is directed to a cellulose acetate film comprising cellulose acetate, wherein the cellulose acetate has an acetic acid content in the range of 58.0 to 62.5%, wherein the film is stretched, and wherein the film is formed by a solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method. In this regard, Applicants submit that the effect of the cooling dissolution method can, for example, be enhanced by the claimed stretching of the cellulose acetate film as recited in claim 31.

Shimoda et al does not disclose or suggest each feature recited in claim 31. For example, *Shimoda et al* does not disclose or suggest a cellulose acetate film comprising cellulose acetate, wherein the film is stretched, as recited in claim 31. In this regard, the Patent Office has taken the following position at page 4 of the Official Action:

> . . . it is known in the art that stretching treatment of a cellulose acetate film is carried out in order to control its retardation and the stretch ratio is desirably 3-100%. Therefore, it would have been obvious to one of ordinary skill in the art at the time of [sic] the invention was made to stretch the cellulose acetate film at a desirable stretch ratio such as 10-30% in either the length or width direction to control its retardation and thus to obtain an efficient film.

Contrary to the Patent Office's assertion, however, *Shimoda et al* provides no disclosure or suggestion of a "stretching treatment of a cellulose acetate film [that] is carried out in order to control its retardation", nor is there any disclosure or suggestion of a desirable stretch ratio.

To the extent that the Examiner has taken Official Notice concerning the stretching treatment described in the Official Action at page 4, Applicants respectfully traverse such assertion. In this regard, M.P.E.P. §2144.03 states the following:

> It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known [emphasis in original].
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> * * *
>
> It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection is based [emphasis added].

In the present case, the Examiner has asserted that it is known in the art that stretching treatment of a cellulose acetate film is carried out in order to control its retardation and the stretch ratio is desirably 3-100%. However, absent any evidentiary support, the facts asserted by the Examiner are not capable of instant and unquestionable demonstration as being well-known. Thus, for at least the reasons discussed above, Applicants respectfully traverse the Examiner's Official Notice to the extent such assertion has been made.

For at least the above reasons, it is apparent that *Shimoda et al* does not disclose or suggest each feature of claim 31.

Claim 40 is directed to a cellulose acetate film comprising cellulose acetate, wherein the cellulose acetate has an acetic acid content in the range of 58.0 to 62.5%, and wherein the film is formed by a solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method using a halogenated hydrocarbon as a solvent. In this regard, Applicants submit that the halogenated hydrocarbon can be effectively used as a solvent in the cooling dissolution method in accordance with claim 40, for example, to adjust a retardation value of the cellulose acetate film.

Shimoda et al does not disclose or suggest each feature recited in claim 40. For example, *Shimoda et al* does not disclose or suggest a cellulose acetate film that is formed by a solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method using a halogenated hydrocarbon as a solvent, as recited in claim 40.

The Patent Office has asserted that *Shimoda et al* discloses the use of a halogenated hydrocarbon such as methylene chloride in the cooling dissolution method thereof (Official Action at page 3). However, Applicants submit that upon a complete review of the *Shimoda et al* patent, it is clear that *Shimoda et al* teaches away from the use of a halogenated hydrocarbon in the cooling dissolution method thereof.

In this regard, *Shimoda et al* discloses that the use of hydrocarbon halides such as methylene chloride raises various concerns, and that as a result "it is an urgent necessity to search for a new solvent for the cellulose acetate" (col. 2, lines 18-29). *Shimoda et al* discloses that "[a]n object of the present invention is to form an excellent cellulose acetate film without use of organic chloride solvents such as methylene chloride" (col. 3, lines 9-11).

Shimoda et al also discloses that "an excellent cellulose acetate film can be prepared according to the present invention without use of methylene chloride" (col. 16, lines 34-36). In light of the fact that *Shimoda et al* teaches away from the use of a halogenated hydrocarbon as a solvent, it is apparent that *Shimoda et al* fails to disclose or suggest a cellulose acetate film that is formed by a solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method using a halogenated hydrocarbon as a solvent, as recited in claim 40.

For at least the above reasons, it is apparent that the claims are neither anticipated by nor rendered *prima facie* obvious over *Shimoda et al*. Accordingly, withdrawal of the above §102(b) and §103(a) rejections is respectfully requested.

Claims 30, 39 and 45 stand rejected under 35 U.S.C. §103(a) as being obvious over *Shimoda et al* in view of U.S. Patent No. 3,978,247 (*Braudy et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 30, 39 and 45 depend from independent claims 21, 31 and 40, respectively, and further recite that the film has a surface subjected to a corona discharge treatment. The Patent Office has asserted that *Braudy et al* discloses the use of a corona discharge treatment to improve adhesion (Official Action at page 5). However, *Braudy et al* fails to cure the above-described deficiencies of *Shimoda et al* with respect to independent claims 21, 31 and 40.

For example, like *Shimoda et al*, *Braudy et al* does not disclose or suggest a cellulose acetate that has an acetic acid content in the range of 55.0 to 58.0%, wherein the film is formed by a solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method, as recited in claim 21. *Braudy et al* also does not disclose or suggest a cellulose acetate film wherein the film is stretched, as recited in claim

31. Furthermore, *Braudy et al* fails to disclose or suggest that the cellulose acetate film is formed by a solvent casting method using a cellulose acetate solution that is prepared according to a cooling dissolution method using a halogenated hydrocarbon as a solvent, as recited in claim 40.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness has been established. Accordingly, withdrawal of the above §103(a) rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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